

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RAVANNA SPENCER,)	
)	
Plaintiff,)	
v.)	C.A. No. 06-132 Erie
)	
C/O FIES, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff's civil rights complaint was received by the Clerk of Court on June 5, 2006 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's report and recommendation, filed on June 27, 2008 [119], recommends that the Motion of Defendant Daniel Telega, P.A., to Set Aside or Open Default Judgment [117] be granted and that Plaintiff's Motion for Entry of Default Judgment [106] be denied. The parties were allowed ten (10) days from the date of service in which to file objections. Service was made on Plaintiff by certified mail at SCI Fayette, where he is incarcerated, and on the Defendants. No objections were filed.

After de novo review of the Complaint and the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 14th Day of October, 2008, IT IS ORDERED that the Motion of Defendant Daniel Telega, P.A., to Set Aside or Open Default Judgment [117] be, and hereby is, GRANTED and Plaintiff's Motion for Entry of Default Judgment [106] be, and hereby is, DENIED.

The report and recommendation of Chief Magistrate Judge Baxter dated June 27, 2008 [119] is adopted as the opinion of this Court.

s/ Sean J. McLaughlin
SEAN J. McLAUGHLIN
United States District Judge

cm: all parties of record
Chief U.S. Magistrate Judge Susan Paradise Baxter